

Appl. No. 10/713,369
Amdt. dated Aug. 18, 2006
Reply to Office Action of Apr. 18, 2006

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REMARKS/ARGUMENTS

Claims 22-33 have been added. Claims 6-9, 11 and 21 are hereby cancelled without prejudice to refiling. As a result, claims 1-5, 10, 12-15, 17-20 and 22-33 are currently pending in the application. Applicant respectfully submits that the foregoing amendments to the claims are supported in the application as originally filed and that no new matter has been added. This response is being filed with a Request for Continued Examination and a Petition for an Extension of Time of one month. A completed credit card authorization form is also enclosed for the RCE fee, extension of time fee and added claims fee. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (US 2004/0225672 A1) (hereinafter referred to as "Johnson"). For anticipation, a single reference must identically disclose every element of the claimed invention. *Corning Glass Works v. Sumitomo Electric*, 9 USPQ 2d 1962, 1965 (Fed. Cir. 1989). A reference that excludes a claimed element, no matter how insubstantial or obvious, is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Applicant respectfully submits that claims 1-5, 10, 12-15, 17-20 and 22-33, as amended, are not anticipated by Johnson and are, therefore, allowable under 35 U.S.C. § 102(e) for the reasons stated below.

Claims 1, 12 and 20

The Office stated that Johnson, in part, discloses a closed loop data structure in the sense that they are linked together (FIGS. 1A-1 and 1A-2) and hierarchical fields in the sense that they are organized with a main header (such as lighting 17) which is associated with subcategories. The Office also stated that one set of business rules is the relationship between the blocks and another set of business rules is the programming which runs the user interfaces.

Applicant respectfully submits that Johnson does not disclose a database wherein "all the records are linked to one another in a dual closed-loop structure to represent the assets and asset related items:

(1) in a hierarchical manner in accordance with one or more business interconnection rules of the infrastructure that define how the assets and asset related items are interconnected.

(2) in a life cycle of the assets and asset related items and

(3) how one or more persons use the assets and asset related items or how one or more persons use the information stored in the one or more data fields associated with the assets and asset related items"

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as recited in claims 1, 12 and 20, as amended. Applicant respectfully submits that Johnson does not identically disclose every element of the claimed invention.

For example, the data structure disclosed in Johnson is not hierarchical in accordance with one or more business interconnection rules because it contains a collection of equipment, assets or relevant site characteristics that are not all interconnected: building data 11 is not in a hierarchical relationship with HVAC data 13 or refrigeration data 15; HVAC data 13 is not in a hierarchical relationship with building data 11 or refrigeration data 15; and refrigeration data 15 is not in a hierarchical relationship with building data 11 or HVAC data 13. (see Figures 1A-1 and 1A-2; paragraph [0028], [0032]). Johnson's use of various main headers (e.g., lighting 17 or building controls 19) within the categories (e.g., building 11, HVAC 13 or refrigeration data 15) does not link all records to one another in a closed-loop hierarchical manner as recited in claims 1, 12 and 20, as amended. As a result, applicant respectfully submits that Johnson does not identically disclose every element of the claimed invention.

In addition, the business rules disclosed in Johnson are not interconnection rules; they are goals related to the scope of the survey or reasons for performing the survey (e.g., perform energy management). (see paragraph [0028], [0032]). Moreover, the business goals disclosed in Johnson do not define how all the assets and asset related items are interconnected because not all of the assets in Johnson are linked together. The business goals of Johnson do not define any interconnection between the elements. As a result, applicant respectfully submits that Johnson does not identically disclose every element of the claimed invention.

Furthermore, Johnson does not disclose that all the records are linked together in a dual closed-loop structure to represent the assets and asset related items in a life cycle of the assets and asset related items. Applicant respectfully submits that the fact that some of the information may be relevant during the life cycle of the equipment is not identical to a database structure that is based, in part, on the life cycle of the assets and asset related items as recited in claims 1, 12 and 20, as amended. As a result, applicant respectfully submits that Johnson does not identically disclose every element of the claimed invention.

Similarly, Johnson does not define a database structure that defines how one or more persons use the assets and asset related items or how one or more persons use the information. As a result, applicant respectfully submits that Johnson does not identically disclose every element of the claimed invention.

For all the reasons stated above, applicant respectfully submits that claims 1, 12 and 20, as amended, are not anticipated by Johnson and are, therefore, allowable under 35 U.S.C. § 102(e). Applicant respectfully requests that the rejection of claims 1, 12 and 20, as amended, be withdrawn.

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Moreover, applicant respectfully submits that claims 1, 12 and 20 are also patentable over Johnson either alone or in combination with the cited references under 35 U.S.C. § 103 because the deficiencies of Johnson cannot be cured by obvious modifications to Johnson made by those skilled in the art or by the applied disclosure or teachings of the cited references. Accordingly, applicant respectfully submits that claims 1, 12 and 20, as amended, are allowable under 35 U.S.C. § 103.

Claims 23, 29 and 32

Applicant respectfully submits that new claims 23, 29 and 32 are also allowable for the same reasons stated above in reference to claims 1, 12 and 20. Claims 23, 29 and 32 are, therefore, allowable under 35 U.S.C. §§ 102(e) and 103.

Claims 2-5, 10, 13-15, 17-19, 22, 24-28, 30-31 and 33

Applicant respectfully submits that claims 2-5, 10, 13-15, 17-19, 22, 24-28, 30-31 and 33 depend from claims 1, 12, 20, 23, 29 and 32, which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-5, 10, 13-15, 17-19, 22, 24-28, 30-31 and 33 are, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claims 2-5, 10, 13-15 and 17-19, as amended, be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a)

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson. Applicant respectfully submits that claims 1-5, 10, 12-15, 17-20 and 22-33, as amended, are not obvious over Johnson and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated above.

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Conclusion

Applicant respectfully submits that claims 1-5, 10, 12-15, 17-20 and 22-33, as amended, are fully patentable. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

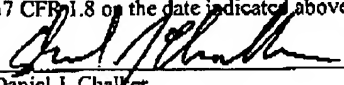
Respectfully submitted,

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I certify that this paper is being transmitted via facsimile to the USPTO at (571) 273-8300 under 37 CFR 1.8 on the date indicated above.

Daniel J. Chalker